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09/775,628	02/05/2001	Roland Mayer	P20358	8314

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EXAMINER

HALPERN, MARK

ART UNIT PAPER NUMBER

1731

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/775,628

Applicant(s)

MAYER ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 32, 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 11/26/2003. Applicants amend claims 1, 7, 8, 19, 32, 33.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 2) Claims 1-20, are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Claim 1 is missing an element that is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim 1 does not recite a means for slowing down (or speeding up) of the transfer belt at either the region of delivery element or at the region of accepting element to stretch the transfer belt. The present Specification, paragraphs [0011] to [0014], recites an element that is critical or essential to the practice of the invention, that "a speed of the elastic transfer belt may be about 0.2% to 5.0% lower than during the delivery of the fibrous material web to the acceptance element. Further, the speed of the elastic transfer belt can be about 0.5% to 4.0% lower than during the delivery of the fibrous material web to the acceptance element". The claim, however, does not recite a means for slowing down (or speeding up) of the transfer belt.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3) Claims 1-20, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is not clear as to the means that causes a slowing down (or a speeding up) of the transfer belt at either the region of delivery element or at the region of accepting element. The present Specification, paragraphs [0011] to [0014], recites that "a speed of the elastic transfer belt may be about 0.2% to 5.0% lower than during the delivery of the fibrous material web to the acceptance element. Further, the speed of the elastic transfer belt can be about 0.5% to 4.0% lower than during the delivery of the fibrous material web to the acceptance element". The claim, however, is not clear as to the means for slowing down (or speeding up) of the transfer belt.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 4) Claims 1-3, 9-15, 18-20, are rejected under 35 U.S.C. 102(b) as being anticipated by Vallius (5,690,791).

Claims 1-2, 18-20: Vallius discloses an apparatus that includes a transfer belt 17A used for transferring web W from a press section to a dryer section. Traveling on fabric 53 the web W enters an extended nip NP, formed between rolls 20 and 21, and then the web is separated from pick-up fabric 53 and is transferred onto smooth face 21' of press roll 21 to an equalizing nip zone NT (nip NT is formed between press rolls 21 and 31). The web is then transferred onto belt loop 17A, on which run it is possible to compensate for elongation of the web W taking place in the equalizing nip NT in the machine direction and to keep the web W approximately tight. The transfer belt 17A is guided by guide rolls 56 and press roll 31, all located inside the transfer belt loop 17A. The web is then transferred over guide roll 56 to the transfer zone TS where the web W is transferred onto the smooth face 40' of the drying cylinder 40 guided by wire 38 over cylinders 40 and 41 (col. 6, lines 30-40, col. 7, lines 20-51, and Figure 4). The transfer belt 17A of Vallius is an elastic belt of smooth surfaces (col. 8, lines 1-8). The guide rolls 56 are suction rolls (col. 7, lines 20-25). The structure of Vallius anticipates the structure as claimed. The claim lacks a means for slowing (or speeding up) of the transfer belt at either the region of delivery element or at the region of accepting element to stretch the transfer belt. The stretching of the elastic transfer belt is a method and not an apparatus structural limitation, thus no patentable weight is imparted to the stretching of the elastic transfer belt.

Claim 3: the web is a paper web (Vallius, Abstract).

Claim 9: the transfer belt is arranged to travel between press section (col. 5, lines 1-10) and a drying section (col. 7, lines 20-25).

Claim 10: the fibrous material web is continuously guided by at least one roll or belt in the press section as shown in Figure 4 of Vallius.

Claim 11: there is no open draw as shown in Figure 4 of Vallius.

Claims 12-13: the delivery element of Vallius includes pick-up fabric 53 and rolls 20 and 21 in nip NP, as shown in Figure 4.

Claims 14-15: the accepting element of Vallius includes roll 36 and wire 38, as shown in Figure 4. Also shown are drying cylinders 40 and a reversing suction cylinder 41 (col. 6, line 42 to col. 7, line 67).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claims 4-8, 16-17, 32-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallius.

Claims 4, 7-8, 32-33: Vallius discloses an apparatus that includes a transfer belt 17A used for transferring a fibrous web W from a press section to a dryer section. Traveling on fabric 53 the web W enters an extended nip NP, formed between rolls 20 and 21, and then the web is separated from pick-up fabric 53 and is transferred onto smooth face 21' of press roll 21 to an equalizing nip zone NT (nip NT is formed between press rolls 21 and 31). The web is then transferred onto belt loop 17A, on which run it

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is possible to compensate for elongation of the web W taking place in the equalizing nip NT in the machine direction and to keep the web W approximately tight. The transfer belt 17A is guided by guide rolls 56 and press roll 31, all located inside the transfer belt loop 17A. The web is then transferred over guide roll 56 to the transfer zone TS where the web W is transferred onto the smooth face 40' of the drying cylinder 40 guided by wire 38 over cylinders 40 and 41 (col. 6, lines 30-40, col. 7, lines 20-51, and Figure 4). The transfer belt 17A of Vallius is an elastic belt of smooth surfaces (col. 8, lines 1-8). Vallius fails to disclose that one guide roll is arranged to rotate faster than at least one other guide roll. It would have been obvious, to one skilled in the art at the time the invention was made, that since Vallius teaches that it is possible to employ a difference in speed that stretches the transfer belt 17a (col. 7, lines 8-19), that at least one guide roll of Vallius be arranged to rotate faster than at least one other guide roll. Further, it would have been obvious that said difference in speed be as claimed, especially at the lower end of the range of 0.2 % or of 0.5 %. Furthermore no patentable weight is imparted to claim since it is a method and not an apparatus structural limitation in an apparatus claim.

Claims 5-6: the guide rolls of Vallius are arranged as claimed, as shown in Figures 3-4.

Claims 16-17: it would have been obvious, to one skilled in the art at the time the invention was made, that the transfer belt of Vallius be permeable since Vallius recites that rolls 56 within loop 17A are suction rolls (col. 7, lines 20-25, and Figure 4) pulling on the web through the belt.

***Response to Amendment***

6) Applicants' arguments filed 11/26/2003, have been fully considered but they are not persuasive.

Applicants traverse Claims 1-20, rejection under 35 U.S.C. 112, first paragraph, alleging that the disclosure is enabling.

Examiner responds that Claim 1 is missing an element that is critical or essential to the practice of the invention. The claim does not recite a means for slowing down (or speeding up) of the transfer belt at either the region of delivery element or at the region of accepting element.

Applicants traverse Claims 1-20, rejection under 35 U.S.C. 112, second paragraph, as being indefinite, alleging that claim 1 has been amended.

Examiner responds that Claim 1 is not clear as to the means that causes a slowing down (or a speeding up) of the transfer belt at either the region of delivery element or at region of accepting element. The claim lacks a means for slowing (or speeding up) of the transfer belt at either the region of delivery element or at the region of accepting element.

Applicants allege that Vallius fails to disclose that the transfer belt is stretched more in a region of accepting element than in a region of delivery element.

Examiner responds that the stretching of the elastic transfer belt is a method and not an apparatus structural limitation, thus no patentable weight is imparted to the stretching of the elastic transfer belt.



***Conclusion***

7) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9309.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.

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MH

Mark Halpern  
Patent Examiner  
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A handwritten signature in black ink, appearing to read 'Peter Chin', with a long horizontal flourish extending to the right.

**PETER CHIN  
PRIMARY EXAMINER**